

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPHINE SWARTZ,)
) Civil Action
Plaintiff) No. 11-cv-01142
)
vs.)
)
TEACHERS INSURANCE AND ANNUITY)
ASSOCIATION-COLLEGE)
RETIREMENT EQUITIES FUND,)
doing business as TIAA-CREF,)
)
Defendant)

* * *

JOSEPHINE A. SWARTZ,)
) Civil Action
Plaintiff) No. 11-cv-01094
)
vs.)
)
LEHIGH UNIVERSITY,)
)
Defendant)

O R D E R

NOW, this 25th day of January, 2012, upon consideration
of the following:

- (1) Notice of Motion to Vacate Default and Permit Defendant to Answer Amended Complaint, which notice of motion was filed September 12, 2011 by defendant Teachers Insurance and Annuity Association-College Retirement Equities Fund, doing business as TIAA-CREF (Document 30)¹("Motion to Vacate Default"), together with

Brief in Support of Motion to Vacate filed
September 12, 2011 (Document 30);

- (2) Answer to Defendant Teachers Insurance and Annuity Association Fund, d/b/a TIAA-CREF's Motion to

¹ Defendant TIAA-CREF's proposed Answer to Amended Complaint was attached to defendant's Motion to Vacate Default as "Exhibit A" to Document 30 and asserts forty-four affirmative defenses to plaintiff's claims. See proposed Answer to Amended Complaint at pages 6-17 (listing affirmative defenses). Defendant's Motion to Vacate Default also included the Affidavit of W. Bridges, dated September 12, 2011.

Vacate Default, which answer was filed by plaintiff on September 26, 2011 (Document 31), together with

Plaintiff's Brief in Opposition to Defendant Teachers Insurance and Annuity Association Fund, d/b/a TIAA-CREF's Motion to Vacate Default, which brief in opposition was filed September 26, 2011 (Document 31-1);

- (3) Reply to Plaintiff's Opposition to Motion to Vacate, which reply was filed by defendant TIAA-CREF September 27, 2011 (Document 32),

IT IS ORDERED that defendant TIAA-CREF's Motion to Vacate Default is granted.

IT IS FURTHER ORDERED that the Clerk of Court shall file defendant TIAA-CREF's proposed Answer to Amended Complaint, which answer is attached as Exhibit A to defendant TIAA-CREF's Motion to Vacate Default.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge